UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/246,389	02/09/1999	ANTHONY J. DEZONNO	97RSS430/713	6116

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EXAMINER
GAUTHIER, GERALD

ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/246,389	DEZONNO, ANTHONY J.
	Examiner	**Art Unit**	
	Gerald Gauthier	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>24 January 2005</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-25</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-25</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/24/05

has been entered.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   **Claim(s) 1-3 and 11-25** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Hurd (US 5,923,745) in view of Hassler et al. (US 5,751,795).

Regarding **claim(s) 1**, Hurd discloses a method of reducing messages traffic

among peripherals of an automatic call distributor (column 1, lines 10-12), such method

comprising the steps of:

broadcasting a message received by the first peripheral from a source peripheral

to a second peripheral of the automatic call distributor or deleting the message based

upon a comparison of the indicia within the message table with a content of the message (FIG. 4 and column 11, lines 41-65) [The processor 56 forwards the call to the call center in which the customer service representative who is most appropriate to respond to the needs of the customer based on the customer profile The examiner treats the limitation as a "simple or", therefore will not address the "or deleting limitation"].

Hurd discloses the routing of the call based on the customer information but fails to disclose a message table contains indicia that controls whether message traffic is broadcasted.

However, Hassler teaches forming a message table in a first peripheral of the automatic call distributor where the message table contains indicia that controls whether message traffic is broadcasted to other peripherals of the automatic call distributor or deleted based upon a message type defined by the indicia (FIG. 2 and column 4, lines 3-23) [The broadcast program 151 includes a message table 200 that contains a pluralities of message entries 201 which contain a destination field 204 to broadcast the message to the intended recipient. The examiner treats the limitation as a simple or, therefore the examiner will not address the "or deleted limitation"].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Hurd using the message table as taught by Hassler.

The modification of the invention would offer the capability of the message table having indicia to broadcast the message so that the user would send the message to more than one recipient.

Regarding **claim(s) 2**, Hurd discloses entering an identifier of a message to be

forwarded into the formed message table in the peripheral (column 5, lines 15-34).

Regarding **claim(s) 3**, Hurd discloses the step of entering the identifier of the

message further comprises entering a corresponding destination identifier to the entry

(column 5, lines 15-34).

Regarding **claim(s) 11 and 21**, Hurd and Hassler disclose all the limitations of

claim(s) 11 and 21 as stated in **claim(s) 1'** s rejection and further more Hurd discloses

means for amending the table upon startup of the peripheral (column 11, lines 19-22)

[The processor 56 generates a suitable customer profile and the customer profile is

stored into a memory at the call setup of the network routing unit 12 to update the

database].

Regarding **claim(s) 12 and 22**, Hurd discloses means for forming a list of

identifiers of unnecessary messages in the peripheral to upon startup (column 9, lines

30-45).

Regarding **claim(s) 13 and 23**, Hurd discloses the means for forming the list of

unnecessary messages further comprises means for retrieving the list from memory

(column 9, lines 30-45).

Regarding **claim(s) 14 and 24**, Hurd discloses means for sending the list of

unnecessary messages to the automatic call distributor (column 9, lines 30-45).

Regarding **claim(s) 15 and 25**, Hurd discloses the step of sending the list of

unnecessary messages further comprises storing the list in said table of the automatic

call distributor (column 9, lines 15-30).

Regarding **claim(s) 16**, Hurd discloses forming a message for transmission to a

set of peripherals, including the peripheral (column 10, lines 35-43).

Regarding **claim(s) 17**, Hurd discloses the step of forming a message for

transmission to a set of peripherals further comprises retrieving an identifier of said

peripheral of the set of peripherals (column 10, lines 18-34).

Regarding **claim(s) 18**, Hurd discloses the step of retrieving an identifier of said

peripheral of the set of peripherals further comprises retrieving the list of unnecessary

messages from said table based upon said identifier of said peripheral (column 9, lines

30-45).

Regarding **claim(s) 19**, Hurd discloses the step of retrieving the list further

comprises comparing an identifier of the message with the list of unnecessary

messages transmitted from said peripheral to the automatic call distributor (column 9, lines 30-45).

Regarding **claim(s) 20**, Hurd discloses the step of comparing the identifier of the message with the list of unnecessary messages further comprises discarding the message when a match is found between the identifier of the message and an entry of the list of unnecessary messages (column 9, lines 30-45).

4.   **Claim(s) 4-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hurd in view Hassler and in further view of Kelly, Jr. et al. (US 5,335,268).

Regarding **claim(s) 4**, Hurd and Hassler as applied to **claim(s) 3** differ from **claim(s) 4**, in that it fails to disclose a reference to a line of a message matrix.

However, Kelly teaches the step of entering the identifier further comprising providing a reference to a line of a message matrix (column 6, lines 11-42).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the routing plan in the form of the matrix to provide a reference to a line of the matrix of Kelly in the database table of Hurd.

The modification of the invention would offer the capability of the routing plan in the form of the matrix to provide a reference to a line of the matrix such as the system

would dynamically balancing special telephony traffic for clearing the overflow traffic

would enhanced.

Regarding **claim(s) 5**, Hurd discloses the step of sending the list of unnecessary

messages further comprises storing the list in said table of the automatic call distributor

(column 9, lines 15-30).

Regarding **claim(s) 6**, Hurd discloses forming a message for transmission to a

set of peripherals, including the peripheral (column 10, lines 35-43).

Regarding **claim(s) 7**, Hurd discloses the step of forming a message for

transmission to a set of peripherals further comprises retrieving an identifier of said

peripheral of the set of peripherals (column 10, lines 18-34).

Regarding **claim(s) 8**, Hurd discloses the step of retrieving an identifier of said

peripheral of the set of peripherals further comprises retrieving the list of unnecessary

messages from said table based upon said identifier of said peripheral (column 9, lines

30-45).

Regarding **claim(s) 9**, Hurd discloses the step of retrieving the list further

comprises comparing an identifier of the message with the list of unnecessary

messages transmitted from said peripheral to the automatic call distributor (column 9, lines 30-45).

Regarding **claim(s) 10**, Hurd discloses the step of comparing the identifier of the message with the list of unnecessary messages further comprises discarding the message when a match is found between the identifier of the message and an entry of the list of unnecessary messages (column 9, lines 30-45).

Response to Arguments

5.   Applicant's arguments with respect to **claim(s) 1-25** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

GERALD GAUTHIER
PATENT EXAMINER

g.g.
February 3, 2005

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